IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WA.No. 2856 of 2007

AGAINST THE JUDGEMENT IN WPC.28759/2007 Dated 24/10/2007
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APPELLANTS/ PETITIONERS:
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1. K.I.ABRAHAM,
S/O.ITTYAVIRACH,
KARIKATTUPARAMBIL,
KANJIRAPALLY.

2. PUSHPA ABRAHAM,
KARIKATTUPARAMBIL,
KANJIRAPALLY.

3. RENJU ABRAHAM,
KARIKATTUPARAMBIL,
KANJIRAPALLY.

4. MAJO.K.GEORGE,
KARIKATTUPARAMBIL,
KANJIRAPALLY.

BY ADVS. SRI.SHAJI THOMAS PORKKATTIL
& SRI.BINU PAUL

RESPONDENTS/ RESPONDENTS:
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1. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS GENERAL MANAGER,
KOTTAYAM.

2. THE AUTHORIZED OFFICER UNDER THE SRFASI ACT,
THE KOTTAYAM DISTRICT CO-OPERATIVE BANK,
KOTTAYAM.

R1 BY STANDING COUNSEL. SRI. V.G. ARUN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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WRIT APPEAL No. 2856 of 2007

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Dated this the 10th day of December, 2007.

JUDGMENT

H.L.DATTU, CJ,

Being aggrieved by the orders passed by the learned Single Judge in W.P.(C) 28759 of 2007 dated 24th October, 2007, the petitioner in the writ petition has presented this Writ Appeal.

2. By the impugned order, the learned Single Judge has granted some instalment facilities to the petitioner to pay off the amounts due to the respondent Bank.

3. When the matter was posted before this court for admission, learned counsel appearing for the appellant has stated before us, that the appellant shall clear the entire liabilities of the respondent Bank, if sufficient time is granted. In view of the statement so made, we had directed the appellant to file an appropriate affidavit before this court bringing to the notice of this court the intention to pay off the amount due to the respondent Bank within a particular time frame.

4. Pursuant to the direction so issued, the appellant has filed a petition before this court. In that, he has stated that he would clear the entire liability due to the Bank if time is granted till 30th July, 2008.

5. Learned counsel appearing for the respondent Bank does not resist the relief sought in the petition.

6. Therefore without going into the other details of the case, this writ appeal is disposed of as under:

Order

i) The Writ Appeal is disposed of.

ii) The petition (I.A. No.983 of 2007) filed by the appellant is taken on record.

iii) The appellant is granted time till 30th July, 2008 to clear the entire liability of the respondent Bank inclusive of interest till the date of payment.

iv) If for any reason, the appellant does not discharge the entire loan liability, the respondent Bank is at liberty to proceed to recover the amounts due to them from the appellant without reference to this court.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb/DK.